

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-1805-2020

Date of Decision :-16.1.2020

Arindam Majumder

.....Petitioner

Versus

NIIT Yuva Jyoti Ltd.

.....Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

**Present: Mr.Nitin Sachdeva, Advocate,
Mr.Avijit Roy, Advocate and
Mr.S.N. Mitra, Advocate
for the petitioner.**

H.S.MADAAN, J. (ORAL)

The petitioner is aggrieved by the criminal complaint under Section 138 of Negotiable Instruments Act filed by the complainant NIIT Yuva Jyoti Ltd. against the present petitioner and another as well as the summoning order passed by Judicial Magistrate Ist Class, Gurugram.

The petition under Section 482 Cr.P.C. has been filed seeking quashing of the complaint as well as the summoning order. Admittedly, the petitioner/accused has not approached the Court of Sessions by way of filing revision petition challenging the summoning order and has straightway come to this Court.

The petition is disposed of relegating the petitioner to the remedy of filing revision petition against the summoning order before the Court of Sessions at Gurugram because if the summoning order is set

aside the criminal complaint under Section 138 of the Negotiable Instruments Act will automatically get redundant.

Learned counsel for the petitioner has contended that the petitioner is resident of Asam. Though he has put in appearance before the trial Court but it is difficult for him to appear there frequently travelling a long distance and some order granting exemption from personal appearance be passed.

Accordingly, the trial Court is directed to exempt the personal appearance of the petitioner on an application so filed allowing him to be represented by counsel duly authorised. However, the Court may call for personal appearance of the petitioner, if is found to be necessary.

16.1.2020
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(H.S. MADAAN)
JUDGE

Whether reasoned/speaking :
Whether reportable :

Yes/No
Yes/No